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6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 NORTHWEST HOME DESIGNING, INC., a
10 Washington corporation,

11 Plaintiff,

12 v.

13 BENJAMIN RYAN COMMUNITIES LLC,
14 d/b/a BUILDERS OF AMERICA, a
Washington limited liability company, and
15 JOHN RYAN BAYS, a Washington resident
and his marital community, RAMORA
16 BUILDERS LLC, a Washington limited
liability company, and JAMES BAYS, a
Washington resident and his marital
community,

17 Defendants.
18

No.

COMPLAINT

19 For its Complaint for Damages and Injunctive Relief, Northwest Home Designing, Inc.
20 (“Northwest Home Designing”) alleges:

21 **I. PARTIES**

22 1. Plaintiff Northwest Home Designing is a Washington corporation with its
23 principal place of business in Lakewood, Washington.

24 2. Defendant Benjamin Ryan Communities LLC (“Benjamin Ryan Communities”)
25 is a Washington limited liability company with its principal place of business in Lakewood,
26 Washington. Upon information and belief, Benjamin Ryan Communities does business as

COMPLAINT - 1
Case No.

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

1 Builders of America. Upon information and belief, Benjamin Ryan Communities is engaged in
2 the homebuilding business and has constructed homes in this judicial district, including homes
3 that infringe Northwest Home Designing's copyrights as hereinafter described.

4 3. Upon information and belief Defendant John Ryan Bays resides in
5 University Place, Washington. Upon information and belief, Mr. Bays is engaged in the
6 homebuilding business and is or was an owner, officer, and/or director of Benjamin Ryan
7 Communities. Upon further information and belief, Mr. Bays owned and/or operated other
8 homebuilding business entities in this judicial district which may have been involved in the
9 infringing acts alleged herein. Upon further information and belief, Mr. Bays directed and/or
10 participated in the infringing acts alleged herein.

11 4. Defendant Ramora Builders LLC ("Ramora Builders") is a Washington limited
12 liability company with its principal place of business in Puyallup, Washington.
13 Upon information and belief, Ramora Builders is engaged in the homebuilding business and has
14 constructed homes in this judicial district, including homes that infringe Northwest Home
15 Designing's copyrights as hereinafter described.

16 5. Upon information and belief Defendant James Bays resides in Puyallup,
17 Washington. Upon information and belief, Mr. Bays is engaged in the homebuilding business
18 and is or was an owner, officer, and/or director of Defendants Ramora Builders LLC and Jim
19 Bays Homes LLC. Upon further information and belief, Mr. Bays directed and/or participated in
20 the infringing acts alleged herein.

21 **II. JURISDICTION AND VENUE**

22 6. This is an action for copyright infringement. The Court has subject matter
23 jurisdiction under 28 U.S.C. § 1338 and 17 U.S.C. §§ 501 *et seq.*

24 7. Defendants are regularly engaged in business and reside in this judicial district.
25 The Court has personal jurisdiction over the Defendants. Venue is proper in this district pursuant
26 to 28 U.S.C. §§ 1400 and 1391.

1 **III.FACTS**

2 8. Northwest Home Designing is a residential design company engaged in the
3 business of designing and selling home plans.

4 9. In or about 2005, Northwest Home Designing started working with
5 Defendant John Bays and various companies which he owns.

6 10. Defendant John Bays and his companies purchased several Northwest Home
7 Designing plans and regularly received Northwest Home Designing catalogs.

8 11. During this time period, Northwest Home Designing interacted with Defendant
9 John Bays and his employees several times a week regarding Northwest Home Designing plans.

10 **A. NHD Plans 2502 and 2501**

11 12. In or about 2004, Northwest Home Designing created an architectural work
12 identified as NHD #2502.

13 13. Northwest Home Designing obtained Copyright Registration No. VA 1-760-170
14 for NHD #2502, which is valid and subsisting.

15 14. NHD #2502 is a derivative design of NHD #2501.

16 15. Northwest Home Designing obtained Copyright Registration No. VA 1-666-807
17 for NHD #2501, which is valid and subsisting.

18 16. Northwest Home Designing owns the copyrights in NHD #2502 and NHD #2501.

19 17. Upon information and belief, instead of paying for a license to use NHD #2502
20 and NHD #2501, Defendants John Bays and Benjamin Ryan Communities copied the plans
21 without the permission or consent of Northwest Home Designing, including but not limited to
22 Benjamin Ryan Communities' "BOA 2353" plan, and used the unauthorized copies to construct
23 one or more homes.

24 **B. NHD Plan 7851**

25 18. In or about 2008, Northwest Home Designing created an architectural work
26 identified as NHD #7851.

1 19. Northwest Home Designing obtained Copyright Registration No. VA 1-666-858
2 for NHD #7851, which is valid and subsisting.

3 20. Northwest Home Designing owns the copyright in the NHD #7851 architectural
4 work.

5 21. Northwest Home Designing provided a copy of NHD #7851 to John Bays for
6 review at no charge.

7 22. Upon information and belief, instead of paying for a license to use NHD #7851,
8 Defendants John Bays and Benjamin Ryan Communities copied the plan without permission or
9 consent of Northwest Home Designing, including but not limited to Benjamin Ryan
10 Communities' "BOA 2141" plan, and used the unauthorized copies to construct one or more
11 homes.

12 **C. NHD Plan 7733, 7733-A and 7733-B**

13 23. In or about early 2011, Northwest Home Designing created architectural works
14 identified as NHD #7733, NHD #7733-A and NHD #7733-B.

15 24. Northwest Home Designing obtained Copyright Registration No. VA-1-827-027
16 for NHD #7733,A-B, which is valid and subsisting.

17 25. Northwest Home Designing owns the copyright in the NHD #7733,A-B
18 architectural work.

19 26. Upon information and belief, instead of paying for a license to use
20 NHD #7733,A-B, Defendants John Bays and Benjamin Ryan Communities copied the plans
21 without the permission or consent of Northwest Home Designing, including but not limited to
22 Benjamin Ryan Communities' "BOA 1945" plan, and used the unauthorized copies to construct
23 one or more homes.

24 **D. NHD Plan 6112 and 6112-A**

25 27. In or about 2011, Northwest Home Designing created architectural works
26 identified as NHD #6112 and NHD #6112-A.

1 28. Northwest Home Designing obtained Copyright Registration No. VA 1-806-704
2 for NHD #6112 and NHD #6112-A, which is valid and subsisting.

3 29. Northwest Home Designing owns the copyright in the NHD #6112 and
4 NHD #6112-A architectural works.

5 30. Upon information and belief, instead of paying for a license to use NHD #6112
6 and NHD #6112-A, Defendants John Bays and Benjamin Ryan Communities copied the plans
7 without the permission or consent of Northwest Home Designing, including but not limited to
8 Benjamin Ryan Communities' "BOA 2274" and "BOA 2265" plans and used the unauthorized
9 copies to construct one or more homes.

10 **E. NHD Plan RM-2408-U**

11 31. In or about 2009, Northwest Home Designing created an architectural work
12 identified as NHD #RM-2408-U.

13 32. Northwest Home Designing obtained Copyright Registration No. VA 1-752-621
14 for NHD #RM-2408-U, which is valid and subsisting.

15 33. Northwest Home Designing owns the copyright in the NHD #RM-2408-U
16 architectural work.

17 34. Upon information and belief, instead of paying for a license to use
18 NHD #RM-2408-U, Defendants John Bays and Benjamin Ryan Communities copied the plan
19 without the permission or consent of Northwest Home Designing, including but not limited to
20 Benjamin Ryan Communities' "BOA 1936" plan, "BOA 1865" plan, "BOA 2008" plan,
21 "BOA 2080" plan, "BOA 2073" plan, "Monaco" plan, and "Ridgefield" plan, and used the
22 unauthorized copies to construct one or more homes.

23 **F. NHD Plan RM-2408-AD**

24 35. In or about 2011, Northwest Home Designing created an architectural work
25 identified as NHD #RM-2408-AD.

1 36. Northwest Home Designing obtained Copyright Registration No. VA 1-831-467
2 for NHD #RM-2408-AD, which is valid and subsisting.

3 37. Northwest Home Designing owns the copyright in the NHD #RM-2408-AD
4 architectural work.

5 38. Upon information and belief, instead of paying for a license to use
6 NHD RM-2408-AD, Defendants John Bays and Benjamin Ryan Communities copied the plan
7 without the permission or consent of Northwest Home Designing, including but not limited to
8 Benjamin Ryan Communities' "BOA 2696" plan and "Monaco" plan, and used the unauthorized
9 copies to construct one or more homes.

10 **G. NHD Plan GP-2725**

11 39. In or about 2007, Northwest Home Designing created an architectural work
12 identified as NHD #GP-2725.

13 40. Northwest Home Designing applied for copyright registration for NHD
14 #GP-2725, on April 24, 2014.

15 41. Northwest Home Designing owns the copyright in the NHD #GP-2725
16 architectural work.

17 42. Upon information and belief, instead of paying for a license to use
18 NHD #GP-2725, Defendants John Bays and Benjamin Ryan Communities copied the plan
19 without the permission or consent of Northwest Home Designing, including but not limited to
20 Benjamin Ryan Communities' "BOA G-952" plan and "BOA 1016" plan, and used the
21 unauthorized copies to construct one or more homes.

22 **H. NHD Plan 2824-D**

23 43. In or about 2010, Northwest Home Designing created an architectural work
24 identified as NHD #2824-D.

25 44. Northwest Home Designing obtained Copyright Registration No. VA 1-749-624
26 for NHD #2824-D, which is valid and subsisting.

1 45. Northwest Home Designing owns the copyright in the NHD #2824-D
2 architectural work.

3 46. Upon information and belief, instead of paying for a license to use NHD
4 #2824-D, Defendants John Bays and Benjamin Ryan Communities copied the plan without the
5 permission or consent of Northwest Home Designing, including but not limited to Benjamin
6 Ryan Communities' "BOA 1865" plan, "BOA 2208" plan, "BOA 2320" plan, "BOA 2330" plan,
7 and "Cortez" plan, and used the unauthorized copies to construct one or more homes.

8 **I. NHD Plan 2824-F**

9 47. In or about 2012, Northwest Home Designing created an architectural work
10 identified as NHD #2824-F.

11 48. Northwest Home Designing obtained Copyright Registration No. VA 1-806-794
12 for NHD #2824-F, which is valid and subsisting.

13 49. Northwest Home Designing owns the copyright in the NHD #2824-F architectural
14 work.

15 50. Upon information and belief, instead of paying for a license to use NHD #2824-F,
16 Defendants John Bays and Benjamin Ryan Communities copied the plan without the permission
17 or consent of Northwest Home Designing, including but not limited to Benjamin Ryan
18 Communities' "BOA 2317" plan and "Linden" plan, and used the unauthorized copies to
19 construct one or more homes.

20 **J. NHD Plans 611, 611-A, 611-E, and 611-W**

21 51. In or about 1992, Northwest Home Designing created an architectural work
22 identified as NHD #611.

23 52. Northwest Home Designing obtained Copyright Registration No. VA 1-794-478
24 for NHD #611, which is valid and subsisting.

1 53. In or about 2004, Northwest Home Designing published “The Designment
2 Review Home Plan Catalog, ‘Ideas from the Bungalow Belt,’ Volume 13,” which included the
3 NHD # 611-A design.

4 54. Northwest Home Designing obtained Copyright Registration VA 1-662-349 for
5 “The Designment Review Home Plan Catalog, ‘Ideas from the Bungalow Belt,’ Volume 13,”
6 which is valid and subsisting.

7 55. Northwest Home Designing owns the copyright in the NHD #611 and
8 NHD #611-A architectural works.

9 56. In or about 1992, Northwest Home Designing created an architectural work
10 identified as NHD #611-E. NHD #611-E is a derivative of NHD #611 which was created in 1992
11 and previously registered.

12 57. Northwest Home Designing applied for copyright registration for NHD #611-E on
13 April 24, 2014.

14 58. Northwest Home Designing owns the copyright in the NHD #611-E architectural
15 work.

16 59. In or about 2013, Northwest Home Designing created an architectural work
17 identified as NHD #611-W.

18 60. Northwest Home Designing applied for copyright registration for NHD #611-W
19 on April 24, 2014.

20 61. Northwest Home Designing owns the copyright in the NHD #611-W architectural
21 work.

22 62. Upon information and belief, instead of paying for a license to use NHD #611,
23 NHD #611-A, NHD #611-E and NHD #611-W, Defendants John Bays, Benjamin Ryan
24 Communities, James Bays, and Ramora Builders copied the plans without the permission or
25 consent of Northwest Home Designing, including but not limited to Benjamin Ryan
26 Communities’ “Chateau” plan, “Hawthorn” plan, “Kingston” plan, “Kingston Euro” plan,

1 “Langley” plan, “Medina” plan, “Provence” plan, and “Tarragon” plan, and used the
2 unauthorized copies to construct one or more homes.

3 **K. NHD Plans 933, 2888, 2888-A, 2888-B, 2888-C, and 2888-D**

4 63. In or about 1983, Northwest Home Designing created an architectural work
5 identified as NHD #933.

6 64. In or about 1983, Northwest Home Designing published “Tour of Home Designs
7 – Volume 4,” which included NHD #933.

8 65. Northwest Home Designing obtained Copyright Registration TX 7-391-475 for
9 “Tour of Home Designs – Volume 4,” which is valid and subsisting.

10 66. Northwest Home Designing applied for copyright registration for NHD #933 on
11 April 24, 2014.

12 67. Northwest Home Designing owns the copyright in the NHD #933 architectural
13 work.

14 68. In or about 2006, Northwest Home Designing created architectural works
15 identified as NHD #2888 and NHD #2888-A. NHD #2888 is a derivative of NHD #933. NHD
16 #2888-A is a derivative of NHD #2888 and NHD #933.

17 69. In or about 2010, Northwest Home Designing created architectural works
18 identified as NHD #2888-B, NHD #2888-C, and NHD #2888-D, which are derivative designs of
19 NHD #933 and NHD #2888.

20 70. Northwest Home Designing applied for copyright registration for NHD #2888 on
21 April 24, 2014.

22 71. Northwest Home Designing owns the copyright in the NHD #2888 architectural
23 work.

24 72. Northwest Home Designing obtained Copyright Registration No. VA 1-919-264
25 for NHD #2888-A, which is valid and subsisting.

1 73. Northwest Home Designing obtained Copyright Registration No. VA 1-919-229
2 for NHD #2888-B, which is valid and subsisting.

3 74. Northwest Home Designing obtained Copyright Registration No. VA 1-919-240
4 for NHD #2888-C, which is valid and subsisting.

5 75. Northwest Home Designing obtained Copyright Registration No. VA 1-919-246
6 for NHD #2888-D, which is valid and subsisting.

7 76. Northwest Home Designing owns the copyrights in the NHD #2888-A,
8 NHD #2888-B, NHD #2888-C, and NHD #2888-D architectural works.

9 77. Upon information and belief, instead of paying for a license to use NHD #933,
10 NHD #2888, NHD #2888-A, NHD #2888-B, NHD #2888-C, and NHD #2888-D, Defendants
11 John Bays and Benjamin Ryan Communities copied the plan without the permission or consent
12 of Northwest Home Designing, including but not limited to Benjamin Ryan Communities'
13 "BOA 1934" plan, and used the unauthorized copies to construct one or more homes.

14 **L. NHD Plan 2045**

15 78. In or about 2000, Northwest Home Designing created an architectural work
16 identified as NHD #2045.

17 79. Northwest Home Designing obtained Copyright Registration No. VA 1-765-494
18 for NHD #2045, which is valid and subsisting.

19 80. Northwest Home Designing owns the copyright in the NHD #2045 architectural
20 work.

21 81. Upon information and belief, instead of paying for a license to use NHD #2045,
22 Defendants John Bays and Benjamin Ryan Communities copied the plan without the permission
23 or consent of Northwest Home Designing, including but not limited to Benjamin Ryan
24 Communities' "BOA 2231" plan, "BOA 2359" plan, "BOA 2409 (3-car)" plan, "BOA 2445"
25 plan, "BOA 2449" plan, "BOA 2517" plan, "BOA 2545" plan, and "BOA 2585" plan, and used
26 the unauthorized copies to construct one or more homes.

1 **M. NHD Plan 2045-AA**

2 82. In or about 2011, Northwest Home Designing created an architectural work
3 identified as NHD #2045-AA.

4 83. Northwest Home Designing obtained Copyright Registration No. VA 1-796-654
5 for NHD #2045-AA, which is valid and subsisting.

6 84. Northwest Home Designing owns the copyright in the NHD #2045-AA
7 architectural work.

8 85. Upon information and belief, instead of paying for a license to use
9 NHD #2045-AA, Defendants John Bays and Benjamin Ryan Communities copied the plan and
10 used the unauthorized copies to construct one or more homes.

11 86. Upon information and belief, instead of paying for a license to use
12 NHD #2045-AA, Defendants John Bays and Benjamin Ryan Communities copied the plan
13 without the permission or consent of Northwest Home Designing, including but not limited to
14 Benjamin Ryan Communities' "BOA 2231" plan, "BOA 2359" plan, "BOA 2409 (3-car)" plan,
15 "BOA 2445" plan, "BOA 2449" plan, "BOA 2517" plan, "BOA 2545" plan, and "BOA 2585"
16 plan, and used the unauthorized copies to construct one or more homes.

17 **N. NHD Plans 6862 A & B**

18 87. In or about 2011, Northwest Home Designing created architectural works
19 identified as NHD #6862 A & B.

20 88. Northwest Home Designing obtained Copyright Registration No. VA 1-765-511
21 for NHD #6862 A & B, which is valid and subsisting. A typo exists in this registration.
22 Although the application receipt specifies NHD #6862 A & NHD #6862 B, the Copyright Office
23 mistakenly referenced "6882" instead of "6862" on the registration certificate.

24 89. Northwest Home Designing owns the copyright in the NHD #6862 A & B
25 architectural works.

1 90. Upon information and belief, instead of paying for a license to use NHD #6862
2 A & B, Defendants John Bays and Benjamin Ryan Communities copied the plans without the
3 permission or consent of Northwest Home Designing, including but not limited to Benjamin
4 Ryan Communities' "BOA 2517" plan, and used the unauthorized copies to construct one or
5 more homes.

6 **O. NHD Plan 6862-F**

7 91. In or about 2011, Northwest Home Designing created an architectural work
8 identified as NHD #6862-F.

9 92. Northwest Home Designing applied for copyright registration for NHD #6862-F
10 on April 24, 2014.

11 93. Northwest Home Designing owns the copyright in the NHD #6862-F architectural
12 work.

13 94. Upon information and belief, instead of paying for a license to use NHD #6862-F,
14 Defendants John Bays and Benjamin Ryan Communities copied the plan without the permission
15 or consent of Northwest Home Designing, including but not limited to Benjamin Ryan
16 Communities' "BOA 2417" plan and "BOA 2517" plan, and used the unauthorized copies to
17 construct one or more homes.

18 **P. NHD Plan I-949**

19 95. In or about 1995, Northwest Home Designing created an architectural work
20 identified as NHD #I-949.

21 96. Northwest Home Designing obtained Copyright Registration No. VA 1-666-821
22 for NHD #I-949, which is valid and subsisting.

23 97. In addition, Northwest Home Designing published the "Engineered Home Plans"
24 Brochure, in 1996 which included NHD #I-949. Northwest Home Designing obtained Copyright
25 Registration No. TX 7-377-717 for the Engineered Home Plans Series brochure.

1 98. Northwest Home Designing owns the copyright in the NHD #I-949 architectural
2 work.

3 99. Upon information and belief, instead of paying for a license to use NHD #I-949,
4 Defendants John Bays, Benjamin Ryan Communities, James Bays, and Ramora Builders copied
5 the plan without the permission or consent of Northwest Home Designing, including but not
6 limited to Benjamin Ryan Communities' "Helena" plan and Ramora Builders' "1498" plan, and
7 used the unauthorized copies to construct one or more homes.

8 **Q. NHD Plans 9093 and 9093-A**

9 100. In or about 2009, Northwest Home Designing created architectural works
10 identified as NHD #9093 and NHD #9093-A.

11 101. Northwest Home Designing applied for copyright registration for NHD #9093
12 April 24, 2014.

13 102. Northwest Home Designing obtained Copyright Registration No. VA 1-912-761
14 for NHD #9093-A, which is valid and subsisting.

15 103. Northwest Home Designing owns the copyright in the NHD #9093 and
16 NHD #9093-A architectural works.

17 104. Upon information and belief, instead of paying for a license to use NHD #9093
18 and NHD #9093-A, Defendants John Bays and Benjamin Ryan Communities copied the plans
19 without the permission or consent of Northwest Home Designing, including but not limited to
20 Benjamin Ryan Communities' "BOA 2007" plan, and used the unauthorized copies to construct
21 one or more homes.

22 **R. NHD Design 442-B , 442-N, and 442-P**

23 105. In or about 1992, Northwest Home Designing created an architectural work
24 identified as NHD Design #442-B.

25 106. Northwest Home Designing obtained Copyright Registration No. VA 1-666-647
26 for NHD Design #442-B, which is valid and subsisting.

1 107. Northwest Home Designing owns the copyright in the NHD #442-B architectural
2 work.

3 108. In or about 2010, Defendant John Bays licensed NHD Plan 442-N, a derivative
4 work of NHD Design #442-B.

5 109. NHD Plan 442-N is a derivative work of NHD Design #442-B.

6 110. Upon information and belief, instead of paying for a license to use NHD 442-P
7 plan, Defendants John Bays, Benjamin Ryan Communities, James Bays, and Ramora Builders
8 copied the plan without the permission or consent of Northwest Home Designing, including but
9 not limited to Benjamin Ryan Communities' "BOA 1445" plan, and used the unauthorized
10 copies to construct one or more homes.

11 **S. NHD Plan 7763, 7763,A and 7763-B**

12 111. In or about 2012, Northwest Home Designing created an architectural work
13 identified as NHD #7763.

14 112. In or about 2012, Northwest Home Designing created an architectural work
15 identified as NHD #7763,A.

16 113. In or about 2012, Northwest Home Designing created an architectural work
17 identified as NHD #7763-B.

18 114. Northwest Home Designing applied for copyright registration for NHD #7763 on
19 April 24, 2014.

20 115. Northwest Home Designing obtained Copyright Registration No. VA 1-913-911
21 for NHD #7763,A and NHD #7763-B, which is valid and subsisting.

22 116. Northwest Home Designing owns the copyright in the NHD #7763, NHD
23 #7763,A and NHD 7763-B architectural works.

24 117. Upon information and belief, instead of paying for a license to use NHD #7763,
25 NHD #7763,A and NHD #7763-B, Defendants John Bays and Benjamin Ryan Communities
26 copied the plans without the permission or consent of Northwest Home Designing, including but

not limited to Benjamin Ryan Communities' "Wellington" plan, and used the unauthorized copies to construct one or more homes.

T. NHD Plan 651, NHD #6510, and NHD #6510-A

118. In or about 1979, Northwest Home Designing created an architectural work identified as NHD Plan 651.

119. In or about 1979, Northwest Home Designing published "Tour of Home Designs – Volume 3," which included NHD Plan 651.

120. Northwest Home Designing obtained Copyright Registration No. VA 32-702 for "Tour of Home Designs – Volume 3," which is valid and subsisting

121. Northwest Home Designing owns the copyright in NHD Plan 651.

122. In or about 2009, Northwest Home Designing created architectural works identified as NHD #6510 and NHD #6510-A.

123. Northwest Home Designing obtained Copyright Registration No. VA 1-694-244 for NHD #6510 and NHD #6510-A, which is valid and subsisting.

124. Northwest Home Designing owns the copyright in NHD #6510 and NHD #6510-A.

125. Upon information and belief, instead of paying for a license to use NHD Plan 651, NHD #6510, and NHD #6510-A, Defendants John Bays and Benjamin Ryan Communities copied the plans without the permission or consent of Northwest Home Designing, including but not limited to Benjamin Ryan Communities' "Oxford" plan, and used the unauthorized copies to construct one or more homes.

U. NHD # 1923 and NHD # 1923-A

126. In or about 2010, Northwest Home Designing created architectural works identified as NHD # 1923 and NHD # 1923-A.

127. Northwest Home Designing obtained Copyright Registration No. VA 1-765-456 for NHD # 1923 and NHD # 1923-A, which is valid and subsisting

1 128. Northwest Home Designing owns the copyright in NHD # 1923 and
2 NHD # 1923-A.

3 129. Upon information and belief, instead of paying for a license to use NHD # 1923
4 and NHD # 1923-A, Defendants John Bays and Benjamin Ryan Communities copied the plan
5 without the permission or consent of Northwest Home Designing, including but not limited to
6 Benjamin Ryan Communities' "Danforth" plan, and used the unauthorized copies to construct
7 one or more homes.

8 **V. NHD #1213-D,E**

9 130. In or about 2011, Northwest Home Designing created an architectural work
10 identified as NHD #1213-D,E.

11 131. Northwest Home Designing obtained Copyright Registration No. VA 1-806-790
12 for NHD #1213-D,E, which is valid and subsisting

13 132. Northwest Home Designing owns the copyright in NHD #1213-D,E.

14 133. Upon information and belief, instead of paying for a license to use NHD #1213-
15 D,E, Defendants John Bays and Benjamin Ryan Communities copied the plan without the
16 permission or consent of Northwest Home Designing, including but not limited to Benjamin
17 Ryan Communities' "BOA 2662" plan, and "Horizon" plan, and used the unauthorized copies to
18 construct one or more homes.

19 **W. NHD #8321, A**

20 134. In or about 2008, Northwest Home Designing created an architectural work
21 identified as NHD #8321, A.

22 135. Northwest Home Designing obtained Copyright Registration No. 1-725-651 for
23 NHD #8321, A, which is valid and subsisting

24 136. Northwest Home Designing owns the copyright in NHD #8321, A.

25 137. Upon information and belief, instead of paying for a license to use
26 NHD #8321, A, Defendants John Bays and Benjamin Ryan Communities copied the plan

1 without the permission or consent of Northwest Home Designing, including but not limited to
2 Benjamin Ryan Communities' "BOA 2662" plan, "Cambridge" plan, "Franklin" plan,
3 "Gibraltar" plan, "Harbour" plan, "Horizon" plan, and "Venetian" plan, and used the
4 unauthorized copies to construct one or more homes.

5 **X. NHD Plans 2708 and 2708-C**

6 138. In or about 2006, Northwest Home Designing created an architectural work
7 identified as NHD #2708.

8 139. Northwest Home Designing's application for NHD #2708 is currently pending.

9 140. In or about 2010, Northwest Home Designing created an architectural work
10 identified as NHD #2708-C. NHD #2708-C is a derivative of NHD #2708.

11 141. Northwest Home Designing's application to obtain copyright registration for
12 NHD #2708-C is currently pending.

13 142. Northwest Home Designing owns the copyright in the NHD #2708 and NHD
14 #2708-C architectural works.

15 143. Upon information and belief, instead of paying for a license to use NHD #2708
16 and NHD #2708-C, Defendants John Bays and Benjamin Ryan Communities copied the plans
17 without the permission or consent of Northwest Home Designing, including but not limited to
18 Benjamin Ryan Communities' "BOA 2075" plan, "Cambridge" plan, "Franklin" plan,
19 "Gibraltar" plan, "Harbour" plan, "Horizon" plan, and "Venetian" plan, and used the
20 unauthorized copies to construct one or more homes.

21 **Y. NHD Plan 2565**

22 144. In or about 2005, Northwest Home Designing created an architectural work
23 identified as NHD #2565.

24 145. Northwest Home Designing obtained Copyright Registration No. VA 1-666-720
25 for NHD #2565, which is valid and subsisting.

1 146. Northwest Home Designing owns the copyright in the NHD #2565 architectural
2 work.

3 147. Upon information and belief, instead of paying for a license to use NHD #2565,
4 Defendants John Bays and Benjamin Ryan Communities copied the plans without the permission
5 or consent of Northwest Home Designing, including but not limited to Benjamin Ryan
6 Communities' "BOA 2075" plan, "Cambridge" plan, "Franklin" plan, "Gibraltar" plan,
7 "Harbour" plan, "Horizon" plan, and "Venetian" plan, and used the unauthorized copies to
8 construct one or more homes.

9 **Z. NHD Plans #S-2025 and S-2025-H**

10 148. In or about early 2000, Northwest Home Designing created an architectural work
11 identified as NHD #S-2025.

12 149. Northwest Home Designing obtained Copyright Registration No. VA-1-913-802
13 for NHD #S-2025 which is valid and subsisting.

14 150. In or about 2004, Northwest Home Designing published "The Designment
15 Review Home Plan Catalog, 'Ideas from the Bungalow Belt,' Volume 13," which included the
16 NHD #S-2025 design.

17 151. Northwest Home Designing obtained Copyright Registration No. VA 1-662-349
18 for "The Designment Review Home Plan Catalog, 'Ideas from the Bungalow Belt,' Volume 13,"
19 which is valid and subsisting.

20 152. Northwest Home Designing owns the copyright in the NHD #S-2025 architectural
21 work.

22 153. In or about 2005, Northwest Home Designing created an architectural work
23 identified as NHD S-2025-H. NHD S-2025-H is a derivative work of NHD #S-2025.

24 154. Northwest Home Designing applied for copyright registration for NHD S-2025-H
25 on April 24, 2014.
26

1 155. Northwest Home Designing owns the copyright in the NHD S-2025-H
2 architectural work.

3 156. Upon information and belief, instead of paying for a license to use NHD Plan
4 S-2025-H, Defendants John Bays and Benjamin Ryan Communities copied the plan without the
5 permission or consent of Northwest Home Designing, including but not limited to Benjamin
6 Ryan Communities' "BOA 3322" plan, "BOA 3368" plan, "Encore" plan, and "Tahoe" plan, and
7 used the unauthorized copies to construct one or more homes.

8 **AA. Other Infringement**

9 157. Upon information and belief, Defendants copied other Northwest Home
10 Designing architectural works in addition to those described above.

11 158. Upon information and belief, Defendants marketed and advertised their infringing
12 plans through print media and on the internet.

13 **IV. CLAIMS FOR RELIEF**

14 159. Northwest Home Designing realleges paragraphs 1 through 158.

15 160. Upon information and belief, Defendants have infringed Northwest Home
16 Designing's copyrights in one or more of Northwest Home Designing's architectural works,
17 including those identified in this Complaint, by redrawing, reproducing, or modifying such
18 architectural works to construct one or more homes.

19 161. Defendants did not obtain the permission or consent of Northwest Home
20 Designing to redraft, reproduce, modify, or copy Northwest Home Designing's architectural
21 works beyond the scope of negotiated licenses.

22 162. Defendants' copying and use of Northwest Home Designing's home architectural
23 works without Northwest Home Designing's permission or consent constitutes infringement of
24 Northwest Home Designing's copyrights.

25 163. Upon information and belief, Defendants' infringement was willful.
26

164. Based upon this infringement, Northwest Home Designing has suffered damages in an amount to be proven at trial.

165. Damages are not an adequate remedy, however, and Northwest Home Designing is entitled to injunctive relief to prevent Defendants from further infringing Northwest Home Designing's copyrights.

V. PRAYER FOR RELIEF

Northwest Home Designing respectfully prays that:

1. Defendants, their employees, representatives, and agents be permanently enjoined from publishing, marketing, selling or using Northwest Home Designing's copyright works or any works substantially similar thereto;
2. An accounting be had of Defendants' profits earned in conjunction with the use of Northwest Home Designing's architectural works, to include, without limitation, from the sale of infringing homes;
3. The Court order disgorgement of Defendants' ill-gotten profits to Northwest Home Designing;
4. The Court award Northwest Home Designing punitive damages for Defendants' willful acts of infringement;
5. The Court award any and all relief to which Northwest Home Designing may be entitled pursuant to the Copyright Act, 17 U.S.C. §§ 502, 503, 504, and 505;
6. For judgment against Defendants for all costs and attorney fees as authorized by law;
7. For leave to freely amend the pleadings; and
8. All such other relief as the Court may deem just and proper.

VI. DEMAND FOR JURY TRIAL

Northwest Home Designing demands a trial by jury on all issues so triable.

1 DATED this 9th day of October, 2014.

2
3 s/Samuel T. Bull

4 s/Kelly Ann Lennox

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COMPLAINT - 21
Case No.

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